



# Absence & Sickness Management

Note: This publication is intended to provide general guidance only. It does not constitute legal advice and should not be relied upon as doing so.

**Advisory Officers, at the Employment Relations Service, can offer confidential and free advice on all aspects of employment law and employment relations.**

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## Overview

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### Sick pay and legal requirements

There is **no legal requirement** to pay sick pay in Guernsey. Any terms relating to sick pay should be clearly stated in the contract of employment. These terms should clearly identify how much sick pay is provided and for how long. If sick pay is not provided, this should be stated.

If employers do provide sick pay, it is useful to consider:

- a qualifying period of employment before an employee is entitled to sick pay
- whether there will be a period of full sick pay then half pay (or vice versa)
- limiting the amount of sick pay that can be claimed in any twelve-month period
- ensuring sick pay is conditional on employees providing medical certificates after a certain period of illness and forwarding their sickness benefit to their employer during any period where the employer is paying the employee full pay
- considering whether pay for any illness or injury caused by e.g. participation in dangerous sports/leisure activities should be excluded

Absence problems are costly to the employer and need to be managed. Additionally, a failure to follow a fair and reasonable procedure prior to a dismissal for ill health or absence may lead to successful claims of unfair dismissal.

### Managing Absenteeism

Generally, people are absent from work for 3 main reasons:

- they are sick

- they feel unable to come to work because of family or caring responsibilities
- they are taking authorised leave such as - holiday, maternity leave or a training course

An employer should recognise and deal with the possible causes of absence, such as difficult working patterns, inappropriate job design and poor employment relations. Addressing disciplinary issues like lateness and poor time keeping at an early stage can also be helpful. If such issues arise, they can often be dealt with informally by the line manager in the first instance.

Unauthorised absence is normally the odd day off when employees give no reason for the absence. Whether paid or unpaid, this type of absence can be costly to an organisation as it is unpredictable. Absence of this kind may eventually lead to disciplinary action.

## Potential effects of absence

- hiring and paying temporary replacement staff
- missing deadlines
- reduced customer satisfaction: if a customer's point of contact is 'off sick'
- reduced morale among colleagues who take on extra responsibilities
- diminished reputation and lost business

## How employers can minimise the impact of absenteeism

### Measure employee absence by finding out:

- how much time is lost
- where absence occurs the most
- how often individual employees are absent
- using a sickness absence tool (such as the Bradford Factor)

### Monitor absence by:

- keeping accurate attendance records. These may include individual instances of absence, together with the duration, reason and where within the organisation the employee works. This is useful to be able to identify if a particular pattern of absence is developing
- ensuring that records can be easily analysed by section or department; month or year
- having return to work interviews, which are documented
- ensuring that absence measurement figures show the nature and scale of the problem, for example:
  - whether there is an absence problem

- whether the problem is one of long-term sickness; short-term certified / uncertified sickness

#### **Reduce absence levels by paying attention to:**

- identifying any adverse patterns and trends
- optimising working conditions
- induction and training
- employee relations
- job design
- effective communication
- employee welfare
- employees health & safety

#### **Deal with short-term certificated or un-certificated sickness by:**

- requiring employees to phone in by a specified time on each day of absence
- interviewing employees on their return to work
- trying to identify the underlying reason for the absence
- making arrangements for medicals, where necessary
- having a written policy on the provision of certificates to cover sickness absence (it is useful to include a provision in the contract requesting a medical certificate or evidence of a medical visit or consultation for each period of sickness if persistent short-term absence becomes a problem)
- explaining the effect their absence is having on the business and the extra burden placed on colleagues and resources
- ensuring the employee is warned (in writing) if their level of absence is a cause for concern and if the employer is considering dismissal
- considering the use of a 'disciplinary procedure' for employees with high levels of short-term uncertified / unexplained sickness absence

#### **Deal with long-term sickness absence by:**

- discussing the problem with the employee
- considering alternative work or working arrangements, for example; whether the job can be covered by other employees or temporary replacements and how long the job can be kept open
- seeking medical opinions (from the employee's GP or from Occupational Health), with the employee's permission
- suggest the employee see a company doctor to confirm the nature of the illness
- ensuring the employee is warned (in writing) if their level of absence is a cause for concern and if the employer is considering dismissal

## Medical Certification

The medical certification system includes a statement of ability to work which is intended to help employees to return to work earlier as doctors have the ability to suggest adjustments and/or advice. For instance through a phased return, adjusted hours, amended duties, workplaces adaptations and referral to occupational health.

## Return to Work interviews

These are now common practice and as such, may be covered in an employer's absence policy or company handbook. In most organisations, discussions will be informal and brief and include discussing how the member of staff feels about being back at work.

They are normally intended to welcome an employee back to the workplace and to check that the employee is well enough to be working; to find out the reason for the absence and to update the employee on any news or developments in the workplace.

In the event of frequent periods of sickness absence, these interviews may be used to find out if there are any underlying problems causing the illness, for instance work-related sickness or problems outside of the workplace which may be the cause.

In some circumstances, for example in the case of more serious conditions or longer term absence, the interview may include discussions on the statement of ability to work on the medical certificate. Any suggestions from the doctor should be carefully considered and discussed with the employee to identify what adjustments can be reasonably made.

For instance if the medical certificate states that the employee is able to return to work with amended duties, which do not include lifting, the employee may be able to undertake more administrative duties until they are feeling better and he/she is able to resume normal duties.

## Minimising absence and lateness

In addition to a robust absence policy and procedure, other ways to help minimise absence include:

- managing staff effectively
- ensuring working relationships are healthy
- making jobs as fulfilling as possible
- communication of information
- having flexible working arrangements

Additionally, if workers know that absence will be monitored and investigated, they may be less likely to take time off work.

## Further Advice- FitTogether

Further practical advice on returning to work after sickness absence, including contact information for Occupational Health Practitioners can be found on the “FitTogether” website: <https://www.gov.gg/fittogether>

## Other Publications

Publications can be downloaded from the website on a wide range of employment relations subjects, including local employment legislation and best practice guidance on other employment related matters.

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## Contact Information

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### For further advice

- Check [www.gov.gg/employmentrelations](http://www.gov.gg/employmentrelations)
- Email [employmentrelations@gov.gg](mailto:employmentrelations@gov.gg)
- Contact the **Employment Relations Service**, Edward T Wheadon House, Le Truchot, St Peter Port, GY1 3WH
- Telephone number: **01481 220026**